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EXAMINER

MEUCCI, MICHAEL D

ART UNIT PAPER NUMBER

2142

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/868,417

Applicant(s)

LINDQUIST, CHARLES CAMERON

Examiner

Michael D. Meucci

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 and 46-57 is/are pending in the application.
- 4a) Of the above claim(s) 32-45 and 58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 46-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to request for reconsideration filed 23 June 2005.

#### ***Election/Restrictions***

2. Newly submitted claims 32-33 and 34-45 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- a. Claims 32-33 are directed toward establishing a connection over a network for accessing and monitoring information via a browser, classified in class 709, subclass 224 (computer network monitoring).

- b. Claims 34-45 and 58 are directed toward the response to an alarm generated by a security system, classified in class 340, subclass 506 (alarm system supervision).

3. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as a combination/sub-combination. Inventions in this relationship are distinct if it can be shown that (A) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (B) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the monitoring system can be used with the user interface and does not require activating a security condition upon the occurrence of a predetermined event and transferring event information to a server storage means for later interrogation by a user of the security system. The

subcombination has separate utility such as storing the event information for later interrogation by a user of the security system.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 32-45 and 58 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

#### ***Response to Amendment***

4. Examiner acknowledges amendment made to claim 1 to overcome 35 U.S.C. 112, second paragraph rejection. This rejection has been withdrawn.

#### ***Drawings/Specification***

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "display incorporating a touch screen and a running web browser" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because Fig. 5 does *not* correspond with its description as "illustrating one form of hardwired interconnection with the series of appliances 27" as specified on lines 20-21 of page 10 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. Fig. 4 contains reference number 45 pointing to a "wall unit" but is listed as a "wall mounted display unit" and "PC" on page 13 of the specification. Also in the figure, "PC" has the reference number 47, but is listed as having reference number 45 on page 13 of the specification. Correction is required.

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Fig. 2, reference numbers 32, 33, 35, 36 and Fig. 3, reference number 47.
- Also, the Siren of Fig. 4, and the Lens of Fig. 5 and 6 is not described in the specification, nor have reference numbers.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

9. The specification and claims are replete with grammatical errors. Applicant's assistance is requesting in correcting such errors
10. Claims 8-9 objected to because of the following informalities:
- a. As per claim 8, "said" or "the" on line 1 must be removed.
  - b. As per claim 9, "expensing" should be --expenses-- on line 3.

***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claim 57 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Embodying a connection gateway in a security camera is not described anywhere in the specifications, nor is it shown in the drawings. Applicant is reminded to not include any new matter in amendments.
13. Claim 57 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It

is unclear to the examiner how a connection gateway can be embodied in a security camera. No written description of this feature is given as well.

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claims 7 and 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. As per claim 7, it is unclear to the examiner what is meant by "automatically raises connection in a pre-programmed fashion" on line 2 of the claim. This step is conditional because it "automatically" performs this step, however, no such condition for automatically performing this step is given thereby rendering this claim indefinite. For the purpose of applying art it will be presumed the applicant meant to specify: --wherein said extranet provides a user premises e-mail facility and automatically connects to the connection gateway, then transfers user e-mail to the connection gateway when a user connects to the extranet. Correction is required.

b. Claim 25 recites the limitation "said camera" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:



A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

17. Claim 1-3, 6, 10-11, 14, 26, 31, 46-55, and 57 rejected under 35 U.S.C. 102(a) as being anticipated by Venkatraman et al. (EP 0 838 768 A2) hereinafter referred to as Venkatraman.

a. As per claims 1, and 31, Venkatraman teaches: an Internet browser connectable to an extranet (lines 24-29 of page 2); an extranet located external to said environment and accessible via said Internet browser (line 37 of page 4 through line 1 of page 5 and Fig. 2); a communications server located in said extranet and adapted to interconnect on demand with one of a series of connection gateways located in predetermined environments (lines 38-43 of page 2, lines 24-40 of page 4, and item 30 in Fig. 2; wherein cellular transmitter/receiver circuitry inherently contains on-demand connectivity features); a connection gateway located in said environment to server as a user interface for the control or monitoring of the operation of at least one service in said environment (lines 15-18 of page 4, lines 30-33 of page 4, lines 37-40 of page 4, and item 30 in Fig. 2); wherein upon accessing a predetermined address by said Internet browser on said extranet, said communications server creates a new connection to a predetermined one of said connection gateways to control or monitor the operation of said service, with said connection gateway subsequently serving pages directly to said internet browser displaying the state of operation of said service (lines 14-24 of page 3 and lines 6-12 of page 5).

b. As per claim 2, Venkatraman teaches: the service includes a monitoring device located within said environment (lines 8-9 of page 2 and lines 37-40 of page 6).

c. As per claim 3, Venkatraman teaches: said communication server utilizes a telecommunications network to interconnect with said connection gateway (lines 44-45 of page 3).

d. As per claim 6, Venkatraman teaches: publicly accessible HTML pages are additionally provided for each user of said system providing details of the current status of the environment of said user (lines 52-55 of page 2 and lines 28-36 of page 3).

e. As per claims 10 and 55, Venkatraman teaches: the Internet access device is a computer, WebPhone, portable digital assistant, or mobile phone with web browsing capability; and the internet browser is on a mobile phone (line 37 on page 3 through line 1 of page 4 and lines 45-55 of page 4).

f. As per claim 11, Venkatraman teaches: wherein the connection gateway detects a fax and stores the fax (lines 5-11 of page 2).

g. As per claim 14, Venkatraman teaches: wherein the connection gateway acts as a hub and Internet connection mechanism for connected devices including information appliances and said devices located in said environment (lines 5-11 of page 2).

h. As per claim 26, Venkatraman teaches: at least one of said devices includes an external access control mechanism to said environment (page 4).

i. As per claims 46-53, Venkatraman teaches: wherein said environment is a home environment, a commercial environment, or industrial environment; the at least

one service includes a security monitoring service; the at least one service includes a video surveillance service; the at least one service includes an automation and control service; the at least one service includes a utility metering service; and the at least one service includes an energy management service (page 2).

j. As per claim 54 and 57, Venkatraman teaches: the at least one service implements monitoring or control of a plurality of devices connected to at least one network interconnected with the connection gateway; and the connection gateway is embodied in a security camera (lines 37-53 of page 3).

### ***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4, 7, 12-13, 22, 24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman as applied to claim 1 above, in view of Official Notice.

a. As per claim 4, Venkatraman does not explicitly teach: said extranet forms part of the Internet and said communications server is located within the local telephone call radius of the environment, thus providing lower cost PSTN access from or to the environment. However, Official Notice is taken of communication servers being located within the local telephone call radius of the environment. Internet service providers for dial-up internet services have long set up local telephone access numbers such that the

customer does not pay for long-distance telephone calls. This concept is extremely well known in the art.

b. As per claim 7, Venkatraman does not explicitly teach: wherein said extranet provides a user premises e-mail facility, and automatically raises connection in a pre-programmed fashion to said connection gateway and transfers user e-mail to said connection gateway. However, Official Notice is taking of automatically connecting to and sending user e-mail to the connection gateway. Users composing e-mail offline are prompted to connect to the network when attempting to send emails while offline. This feature was common in Eudora email systems as well as many others years ago. As such this concept is extremely well know in the art.

c. As per claims 12-13, Venkatraman does not explicitly teach: the connection gateway is in a tamper-proof enclosure, and operates without main power; and the connection gateway is tamper-proof and triggers an alarm and relays alarm to the provider network in case of attempted tampering. However, Official Notice is taken of these features. Both are extremely well known in the art and can be found in/on many security systems.

d. As per claim 22, Venkatraman does not explicitly teach: the control terminal includes a set top box connected to a television and executes a web browser. However, Official Notice is taken of this feature. This limitation is extremely well known in the art and has been implemented in many systems for many years.

e. As per claims 24-25, Venkatraman teaches: a digital security camera having interconnection to said connection gateway (lines 2-8 of page 4).

Venkatraman does not explicitly teach: the digital security camera having an image capture and compression functionality; and said camera includes motion detection and image significance algorithms which run in said camera, and filter input so that only detected motion input is compressed and sent through said connection gateway to said extranet. However, Official notice is taken of a camera having image capture and compression functionality, as well as motion detection, image significance algorithms, and filtering input. These limitations are extremely well known in the art and have been made and used in security systems for many years.

20. Claims 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman as applied to claim 1 above, in view of Buffam (U.S. 6,185,316 B1).

a. As per claim 5, Venkatraman does not explicitly teach: authentication to access said extranet is required only once per Internet browser session. However, Buffam discloses: "To address the problems described above, login authentication schemes have been developed that only require users to authenticate once during a session," (lines 22-24 of column 5). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to authenticate access said extranet only once per Internet browser session. "These approaches are commonly referred to as unitary login, or single sign-on. Unitary login is generally a two-step process, in which the user first authenticates to a user using, for example, a password, token, or biometric sample. The principal may be the user's workstation, a physical authentication token, or some other device. Then, as the user requests access to various services, the principal

is responsible for authenticating the user to each service," (lines 24-32 of column 5 in Buffam). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to authenticate access said extranet only once per Internet browser session in the system as taught by Venkatraman.

21. Claims 8-9, 23, 27-28, and 56 rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman as applied to claims 1 and 15, in view of Chen et al. (U.S. 5,784,463) hereinafter referred to as Chen.

a. As per claims 8, 27-28, and 56, Venkatraman teaches: a URL corresponding to said environment (lines 20-24 of page 3).

Venkatraman does not explicitly teach: the Internet browser runs on an Internet access device which includes a smart card reader and associated user smart card which provides authentication details; and at least one of said devices includes a reader for an RF tag embodied in keyfob or other device that is used for user authentication. However, Chen discloses: "It will be appreciated that the tokens used by the present invention may take a variety of forms, and that the term "token" is intended to refer to any device capable of sending and receiving challenges and responses during a user authentication process, including but not limited to smartcards and PCMCIA cards, or software on a user's computer, and that the term "reader" is intended to refer to any device capable of transmitting data to and from a token. Numerous different types of tokens are currently available, and the invention is intended to be compatible with all such devices," (lines 6-16 of column 4). It would have been obvious to one of ordinary

skill in the art at the time of the applicant's invention to have a smart card and reader for authentication purposes; and have at least one of said devices include a reader for an RF tag embodied in keyfob or other device that is used for user authentication. "It will also be appreciated by those skilled in the art that the invention is not limited to any particular browser or application software, but rather that the invention can be use with any applications supported by the server," (lines 16-20 of column 4 in Chen). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a smart card and reader for authentication; and at least one of said devices include a reader for an RF tag embodied in keyfob or other device that is used for user authentication in the system as taught by Venkatraman.

b. As per claims 9 and 23, Venkatraman does not explicitly teach: wherein said smart card also facilitates global access to the Internet for access of said extranet, and optionally additionally tracks connections for expensing. However, Chen discloses: "The preferred embodiment of the invention is practiced on a communications network 5 such as the Internet, made up of client nodes 10, each of which is connected to at least one computing device capable reading a "token", (lines 4-7 of column 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have said smart card also facilitate global access to the Internet for access of said extranet, and optionally additionally track connections for expensing. "It will be appreciated that the tokens used by the present invention may take a variety of forms, and that the term "token" is intended to refer to any device capable of sending and receiving challenges and responses during a user authentication process, including but

not limited to smartcards and PCMCIA cards, or software on a user's computer, and that the term "reader" is intended to refer to any device capable of transmitting data to and from a token. Numerous different types of tokens are currently available, and the invention is intended to be compatible with all such devices. It will also be appreciated by those skilled in the art that the invention is not limited to any particular browser or application software, but rather that the invention can be use with any applications supported by the server," (lines 7-20 of column 4 in Chen). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have said smart card also facilitate global access to the Internet for access of said extranet, and optionally additionally track connections for expensing in the system as taught by Venkatraman.

22. Claims 15 and 17-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman as applied to claim 1 above, in view of Moon et al. (U.S. 6,433,801 B1) hereinafter referred to as Moon.

a. As per claim 15, Venkatraman teaches: a control terminal interconnected to said connection gateway, said control terminal comprising a display and a running web browser (lines 24-29 of page 2).

Venkatraman does not explicitly teach: the display incorporating a touch screen. However, Moon discloses: "It is yet a further object of the present invention to provide a portable intelligent communications device that includes a cellular telephone and a touch screen display," (lines 21-23 of column 2).



It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a touch screen display. "A touch screen display which is capable of moving and automatically naming tabbed control panels based upon control names," (lines 23-25 of column 2 in Moon). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a touch screen display in the system as taught by Venkatraman.

b. As per claim 17-19, Venkatraman teaches: the control terminal is connected to said connection gateway in a wireless manner; the control terminal is powered by rechargeable batteries, allowing the control terminal mobility within the range of wireless transmitters attached to the user premises network in said environment; and the control terminal is of reduced handheld size, so that it can operate as a universal premises remote control (lines 43-47 of page 3).

c. As per claim 20, Venkatraman teaches: the control terminal includes a digital camera, microphone and speaker, and video conferencing software, thus allowing the control terminal to be used as a videophone, through a standard browser interface (lines 2-8 of page 4).

d. As per claim 21, Venkatraman teaches: the control terminal includes a personal computer (PC) equipped with a user premises network connection, wherein said PC runs a browser accessing a URL corresponding to said connection gateway (page 3).

23. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman as applied to claim 15 above, in view of Foster, Jr. (U.S. 5,668,929) hereinafter referred to as Foster.

a. As per claim 16, Venkatraman does not explicitly teach: the control terminal is equipped with a biosensor, for access authentication of a local user in said environment to said connection gateway. However, Foster discloses: "In that regard, the present invention security devices and systems may be used alone or together with other forms of security, such as by way of example, a card reader, biological sensors of some kind such as a fingerprint sensor, eye separation detector, photo recording and/or verification or other facial or facial feature recognition (automatic or through a remotely located security officer), etc., or even some level of voice recognition," (lines 56-63 of column 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a biosensor for user authentication. "Security devices and systems may be used alone or together with other forms of security," (lines 57-58 of column 4 in Foster). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to include a biosensor for user authentication.

24. Claim 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman as applied to claim 1 above, in view of Lea et al. (U.S. 6,032,202) hereinafter referred to as Lea.

Venkatraman does not explicitly teach: the connection gateway provides support for at least one of HomePnP, Bluetooth, HomeRF, Hiperlan, and HAVi standards for network communication and appliance control. However, Lea discloses: "Specifically, the HAVI architecture provides: an execution environment supporting the visual representation and control of appliances; application and system services; and communication mechanisms for extending the environment dynamically through plug and play or otherwise," (lines 17-21 of column 6). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include at least one of these protocols. "It should be noted that the HAVI architecture supports legacy appliances (e.g., appliances that already exist and are available to users). This is important since the transition to more intelligent networked appliances is going to be slow. Most manufacturers will not suddenly begin producing only "intelligent" appliances and most consumers will not quickly begin replacing all of their existing appliances," (lines 22-29 of column 6 in Lea). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to include at least one of these protocols in the system as taught by Venkatraman.

25. Claim 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of Chen as applied to claim 28 above, further in view of Foster. Venkatraman does not explicitly teach: the smartcard includes a biosensor attached to the substrate of the smart card and interconnected with a circuit embedded in smartcard to authenticate user before the smartcard will operate. However, Foster discloses: "In

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that regard, the present invention security devices and systems may be used alone or together with other forms of security, such as by way of example, a card reader, biological sensors of some kind such as a fingerprint sensor, eye separation detector, photo recording and/or verification or other facial or facial feature recognition (automatic or through a remotely located security officer), etc., or even some level of voice recognition," (lines 56-63 of column 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the smartcard include a biosensor attached to the substrate of the smart card and interconnected with a circuit embedded in smartcard to authenticate user before the smartcard will operate.

"Security devices and systems may be used alone or together with other forms of security," (lines 57-58 of column 4 in Foster). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the smartcard include a biosensor attached to the substrate of the smart card and interconnected with a circuit embedded in smartcard to authenticate user before the smartcard will operate in the system as taught by Venkatraman.

### ***Response to Arguments***

26. Applicant's arguments filed 23 June 2005 have been fully considered but they are not persuasive. The applicant's only argument pertains to newly claimed subject matter in claim 1: having a communications server create a new connection to a connection gateway for controlling or monitoring the operation of the services. This feature is addressed in the rejection of claim 1 above.

***Conclusion***

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gould (U.S. 5,546,943) discloses a biometric retinal scanning device.

Joao (U.S. 5,917,405) discloses a control system for vehicles.

Bouvier et al. (U.S. 5,961,594) discloses remote node maintenance and management.

LaDue (U.S. 6,144,859) discloses wireless cellular communications and data surveillance.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Andrew Caldwell". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

**ANDREW CALDWELL**  
**SUPERVISORY PATENT EXAMINER**